

IN THE UNITED STATES DISTRICT COURT
FOR THE DELAWARE DISTRICT

DAVID SCOTT VARNALL
PLAINTIFF

VS

CORPORAL ANTHONY MENDEZ ET AL
DEFENDANTS

PLAINTIFF'S

FIRST SET OF

INTERROGATORIES

TO DEFENDANTS



CIVIL ACTION NO. 05-527-SLR

IN ACCORDANCE WITH RULE 33 OF THE FEDERAL RULES OF CIVIL PROCEDURE, PLAINTIFF REQUESTS THAT DEFENDANT CORPORAL ANTHONY MENDEZ ~~384622~~ ANSWER THE FOLLOWING INTERROGATORIES UNDER OATH, AND THAT THE ANSWERS BE SIGNED BY THE PERSON MAKING THEM AND BE SERVED ON PLAINTIFF WITHIN 30 DAYS OF SERVICE OF THOSE INTERROGATORIES.

IF YOU CANNOT ANSWER THE FOLLOWING INTERROGATORIES IN FULL, AFTER EXERCISING DUE DILIGENCE TO SECURE THE INFORMATION TO DO SO, SO STATE ANSWER TO THE EXTENT POSSIBLE, SPECIFYING YOUR INABILITY TO ANSWER THE REMAINDER AND STATING WHATEVER INFORMATION OR KNOWLEDGE YOU HAVE CONCERNING THE UNANSWERED PORTIONS.

THESE INTERROGATORIES SHALL BE DEEMED CONTINUING, SO AS TO REQUIRE SUPPLEMENTAL ANSWERS AS NEW AND DIFFERENT INFORMATION MATERIALIZES.

SEE ATTACHED DOCUMENTS

- 1) HOW LONG HAS MENDEZ BEEN A STATE TROOPER FOR THE STATE POLICE OF DELAWARE?
- 2) WHAT ARE YOUR DUTIES?
- 3) HAS CPL MENDEZ EVER HAD A COMPLAINT AGAINST HIM?
- 4) HOW LONG DID CPL MENDEZ SPEND IN POLICE ACADEMY?
- 5) WHY DIDNT MENDEZ SEARCH ME AFTER HE HANDCUFFED^{ME} AND PLACE ME IN THE CAR KNOWING FROM THREE WITNESSES THAT I WAS OUT OF CONTROL BEFORE ARREST?
- 6) HAS MENDEZ EVER BEEN UNDER INVESTIGATION BY INTERNAL AFFAIRS OF THE DELAWARE STATE POLICE BEFORE THIS INCIDENT?
- 7) WHY DIDNT MENDEZ USE PEPPER SPRAY?
- 8) DID MENDEZ EVEN HAVE A CAN OF PEPPER SPRAY ON THE NIGHT OF MAY 11th 2005?
- 9) DID MENDEZ HAVE A TAZER GUN ON HIS PERSON ON MAY 11th 2005?
- 10) MENDEZ, WHAT WAS YOUR INTENTION AND REASON FOR WHACKING ME, DSU, ON THE HEAD; TO KNOCK ME UNCONSCIOUS OR TO KILL ME?
- 11) MENDEZ, BECAUSE THE SECOND BLOW TO MY HEAD CAUSED THE FLASHLIGHT TO ZING TO THE GROUND, HOW MANY TIMES WOULD YOU HAVE KEPT CHOPPING AWAY?
- 12) IS IT NORMAL PROCEDURE TO ASSAULT PEOPLE UNDER ARREST IN DELAWARE?
- 13) HAS MENDEZ ASSAULTED OTHER SUSPECTS?
- 14) DOES MENDEZ KNOW THE 8TH AMENDMENT OF THE UNITED STATES CONSTITUTION?
- 15) WHO WERE THE OFFICERS ALREADY ON THE SCENE, BUT STAYED AWAY FROM US 1 1/2 MINUTES BEFORE PTLM LOWE ATTACKED ME WITH A TAZER GUN AND YOU KEPT CUTTING YOUR EYES, WATCHING HIM RUNNING TOWARDS US.

- 16) MENDEZ, DID YOU ORDER PC2 TO PUT HIS HAND IN MY RIGHT FRONT POCKET AND PULL SOMETHING OUT AND PLACE IT ON THE HOOD NEAR MY OAKLEY SUNGLASSES?
- 17) MENDEZ, YOU BEING A CORPORAL, WHY COULDN'T YOU TAKE ME TO THE GROUND WHILE I WAS HANDCUFFED?
- 18) WHY DID YOU ALLOW PC2 AND PC3 TO HANDLE THE "MAGLITE" PASSING IT AROUND OFF^{AND} TO THE POLICE ALL READY ON THE SCENE?
- 19) WHY DID YOU LEAVE PC3 (OLDER FELLOW, SWEATSHIRT, THE GUY THAT PICKED UP MY OAKLEYS) OUT OF YOUR POLICE REPORT?
- 20) CLEARLY, YOU SAW PC3 WALKING ALL AROUND US DIDN'T YOU?
- 21) WHY DID YOU, MENDEZ, ALLOW PTLM LOWE OF MILLSBORO POLICE DEPT TO CONTINUALLY HARASS ME, THREATEN ME, TAZER ME AND HIT ME IN THE BACK OF THE NECK WHEN I ALREADY HAD A HEAD INJURY?
- 22) WHY DIDN'T ANYBODY FLEX CUFF MY FEET TO BEGIN WITH?
- 23) WHY DID YOU AND THE OTHER POLICE FINALLY HURRY UP AND FLEXCUFF MY FEET AS THE AMBULANCE WAS PULLING INTO GROTTOS?
- 24) MENDEZ, ON PAGE 5 OF POLICE REPORT, YOU ADVISED SUSCOM THAT YOU HAD ME IN CUSTODY, ON THE GROUND, AND IN FRONT OF YOUR POLICE VEHICLE, WHY IS IT STATED IN "STATE DEFENDANTS' ANSWER TO THE COMPLAINT" THAT YOU, CPL MENDEZ, STRUCK PLAINTIFF, DSU, TWICE ON THE HEAD WITH A FLASHLIGHT IN SELF DEFENSE AND USING A REASONABLE AMOUNT OF FORCE UNDER THE CIRCUMSTANCES TO TAKE PLAINTIFF INTO CUSTODY AND MY BACK WAS FACING YOU AND I WAS HANDCUFFED?

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25) WHY, MENDEZ, DID YOU LEAVE OUT THE INCIDENT OF ME, DSU,
GETTING HIT ON THE HEAD IN EXHIBIT A AND EXHIBIT B
FROM THE JUSTICE OF THE PEACE COURT NO. 3? DATED 2005 MAY 12 5 ¹⁰ AM
IN SUSSEX COUNTY

CERTIFICATE OF SERVICE

I, DAVID SCOTT YARNALL, HEREBY CERTIFY THAT I HAVE
SERVED A TRUE AND CORRECT COPY OF THE ATTACHED MOTION
UPON THE FOLLOWING PARTY, ON THE 21st DAY OF AUGUST, '06.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
820 NORTH FRENCH ST.
WILMINGTON, DE 19801

8/21/06

DATE SIGNED


SIGNATURE OF MOVANT (NOTARIZATION
NOT REQUIRED)